IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14635 of 2004

Between:

G.Padmamma, W/o Chandra Mouli,
R/o Vedenaparthy Village, Kaluvai Mandal, Nellore District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Nellore, Nellore District
2 The Mandal Revenue Officer, Kaluvai Mandal, Nellore District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of "Writ of Mandamus" or any other appropriate writ directing the respondents to drop the charged and restore the petitioner authorisation and declare the action of the respondents un-necessarily harassed the petitioner for smooth running F.P. Shop as arbitrary, illegal, mala fide, violating Article 14,16 and 21 of Indian constitution with a direction to drop the charged and restore the petitioner authorization.

Counsel for the Petitioner:MR.V.SARAVANA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner is the authorized dealer in respect of the fair price shop of Vedenaparthy Village, Kaluvai Mandal, Nellore District. The authorization of the petitioner was suspended, pending enquiry into certain allegations, vide proceedings of the first respondent-Revenue Divisional Officer, Nellore, dated 09-08-2004. Aggrieved by the said proceedings, this writ petition is filed.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner submits that the allegations in the impugned order of suspension dated 09-08-2004 are all false and baseless and as a matter of fact, proceedings were initiated in the year 1996 against the petitioner on the same allegation that the petitioner was not residing in the Village but it was found to be incorrect after enquiry. He further submits that at any rate, since the allegations are trivial in nature, the impugned order of suspension is not warranted.

A perusal of the impugned order shows that the suspension order was passed only on two allegations. One is the petitioner is not residing in the village and the other is that the father of the petitioner is distributing the essential commodities.

Having regard to the facts and circumstances of the case and particularly, keeping in view the petitioner has already preferred an appeal before the Joint Collector, Nellore on 12-08-2004, I am not inclined to express any opinion on the merits of the

case. However, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Having regard to the nature of the allegations made against the petitioner, I am of the view that the balance of convenience is in favour of the petitioner and it would be appropriate to permit her to distribute the commodities till the disposal of the appeal. Till the disposal of the statutory appeal. Accordingly, there shall be a direction that the impugned order of suspension dated 09-08-2004 shall not be given effect to till the appeal is disposed of by the 1st respondent.

The writ petition is accordingly disposed of. No costs.

18th AUGUST, 2004.

Note: furnish c.c. tomorrow.

B/o

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To

1 The Revenue Divisional Officer, Nellore, Nellore District
2 The Mandal Revenue Officer, Kaluvai Mandal, Nellore District

3. Two CCs to the Govt. Pleader for Civil Supplies, A.P. High Court

Buildings, Hyderabad. (OUT).

4. Two CD copies.